



“Active Citizenship and Representation in Europe : Towards Transnational Democracy ?”

Facts and Views
Around the European Year of Citizens 2013



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Introduction :

The European Citizenship Briefing

“Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.”

– Art. 17 (1), TEU

On November 1, 1993 a new European Agreement, the so-called “Maastricht Treaty” came into force. It formally established what we commemorate this year as the “European Year of the Citizens”, namely the establishment of “European Union Citizenship”.

This novel form of transnational citizenship did various things : it formalized certain individual rights established earlier as part of the European integration process - including the free movement of economically active citizens (since 1957) and the eligibility to participate in elections to the European Parliament (since 1979). And it established new rights, such as the possibility to see EU government papers, to petition the Parliament and to put forward a legislative proposal to the European Commission (since 2012).

Citizenship defines the formal relationship between an individual and a polity, a political community. It is therefore a genuine political concept, which establishes rights of participation in public affairs. While such participatory rights linked to citizenship are well-known at local, regional and national levels, they are still very new at transnational levels like the European Union.

The first twenty years of the “European Union Citizenship” offer us an interesting basis for assessing the options and limits of such a legal approach in practice across a polity of almost 500 million people in dozens of states, hundreds of regions and hundred of thousands of municipalities. Such an assessment can include questions like :

- *What is the added-value of “European Union Citizenship” vis-a-vis the Member States’ citizenships ?*
- *Is there a genuine political dimension available to EU citizens beyond their rights of free movement, consular protection and non-discrimination ?*

- *Where exactly can we identify transnational aspects of citizenship in a political Union with strong nation state-based traditions and pressured by huge economic dividing lines ?*
- *And finally, how can active citizenship and representation be developed in the next twenty years, contributing to the emergence of a fully-fledged transnational democracy ?*

Twenty years after the formal initial establishment of “European Union Citizenship” we are now beyond a purely academic discourse or visionary debate. Today, the answers to these questions increasingly govern the everyday lives of hundreds of millions of Europeans, who are concerned about their present and future, their responsibilities and their capacity to influence their common life chances across Europe and the world.

In order to discuss these important questions around the “European Union Citizenship” in an informed and up-to-date way, it makes sense to brief ourselves for a moment on a few key facts related to the issue, including the concrete practice of active citizenship and representation across the European Union (EU). For comparative reasons – and because the two political integration processes have a lot in common – it also makes sense to include some key information about active citizenship and representation from the Swiss Confederation (CH).

This extended factsheet was prepared in the runup to the 2013 Winter Days in Gstaad/Switzerland and the roundtable discussion on “Active Citizenship and Representation : Towards Transnational Democracy ?” However, this publication is also intended to be an update for all interested stakeholders beyond the annual gathering of “Senior Representatives of European and Swiss Institutions”. You are most welcome to freely link, use and publish all the information compiled in this brochure (quoting the source, of course) and to provide feedback with comments and corrections (contact information in the resources section at the end).

Similar to the Swiss Confederation’s decisive steps over the last two centuries to bring its citizens onto the political centre stage, the European Union has in the last two decades taken a fascinating path towards – in the famous words of Abraham Lincoln one and a half centuries ago in Gettysburg – a political community “of the people, for the people and by the people”.



More Democracy. The “Omnibus für Direkte Demokratie” (omnibus.org) has travelled across Germany and Europe for more than 20 years.
Photo : Michael von der Lohe

The European (Citizens') Integration Process: Into New Territory

“Le citoyen est un être éminemment politique qui exprime non pas son intérêt individuel mais l'intérêt général. Cet intérêt général ne se résume pas à la somme des volontés particulières mais la dépasse.”¹

– Le Contrat Social, Jean-Jacques Rousseau (1762)

It is probably not by accident that one of the key concepts of modern political citizenship was first formulated by a Swiss European, born 301 years ago in Geneva. Jean-Jacques Rousseau was the first to offer an insight into the difference between passive and active citizenship by defining the two French terms “bourgeois” and “citoyen”. While the idea of the “bourgeois” (city-dwellers) as the obedient subjects of the ruler can be traced back to the early city states of the post-Roman world, the new idea of the “citoyen” as bearer of the sovereignty of the state and hence as rightful participant in the structure and exercise of political power emerged from modern revolutions in America and Europe. This evolutionary change included a progressive withdrawal of the individual from the refuge of privacy and his (later also her) entry into the realm of public affairs – and ultimately the emergence of a modern representative democracy based on human rights, the delegation of power and direct democratic participation.

For the second decade of the 21st century this means that citizenship can no longer be restricted to personal issues and to life as an employee and consumer, but must also include the sharing of political and social responsibilities, freedom through collective action and, last but not least, a strong return of direct democracy through rights of initiative and referendum. The history of modern Switzerland is an interesting example of this rise of the “citoyen” (beginning when modern Switzerland was born back in 1848) when what had been a purely indirect democracy with a limited outreach for universal human rights was progressively complemented by initiative and referendum procedures at all state levels, a modernisation of the electoral system and, more recently, a reconciliation with internationally established principles of universal human rights and international law.

The very same is true for the European Union, which was initially established by participating states without any direct involvement of the citizens and in which those citizens were basically treated as Rousseau's “bourgeois” with rights solely as consumers, workers and

entrepreneurs. Thus, for example, the European Coal and Steel Community established in 1951 gave the right of freedom of movement only to workers in the coal and steel industries. However, there were political leaders and civil society organisations, as well as European institutions like the European Court of Justice and the European Parliament, which contributed to the introduction of a “citoyen” concept at the transnational level. As early as 1961, then French President Charles de Gaulle formulated the challenge in the following words:

“Europe will be born on the day on which the different peoples fundamentally decide to join. It will not suffice for members of parliaments to vote for ratification. It will require popular referendums, preferably held on the same day in all the countries concerned.”

While referendums on Europe in Europe have become a frequently used means (more than 50 have been held so far) of legitimating important legal and constitutional changes linked to the integration process, a series of judgements by the European Court has given priority to transnational citizenship over national citizenship. As a direct result, EU citizenship now has precedence over national citizenship (in the same way as, for example, German federal citizenship prevails over that of Bavaria) and dual citizenship has become a reality across the EU, as EU citizens are citizens both of their member states and of the EU (which since 2009 has had its own legal personality). Indirectly, this development is now increasingly also changing the mindsets of people in those member states which have so far been reluctant to accept the idea of dual citizenship – such as Denmark, for example, the only EU member state which is still exempt from the EU citizenship provision.

Another decisive promoter of the “European Union Citizenship” development was and still is civil society. It proposed and developed early concepts and methods for participative and direct democracy at the transnational level – such as the 1991 campaign for the introduction of a “European Citizens' Initiative” by a civil society network called “eurotopia”. The idea to establish direct deliberative links between citizens across Europe and vis-a-vis the EU institutions made it all the way to the 2002/03 EU Convention and was finally introduced as a fundamental principle of participative democracy in the Lisbon Treaty.

With these “European Union Citizenship” reforms – the first global realisation of the “citoyen” idea at the transnational level – we have entered new democratic territory. However, as millions and millions of Europeans have been using their new rights in recent years, we are no longer within uncharted waters. Nonetheless, there is still very limited appreciation of European Union Citizenship and general knowledge of it (even at the expert level) is sometimes surprisingly poor.

¹ “The citizen is an eminently political being who does not express his individual interest but the general interest. This general interest is not restricted to the sum of the individual wishes, but extends beyond these”.

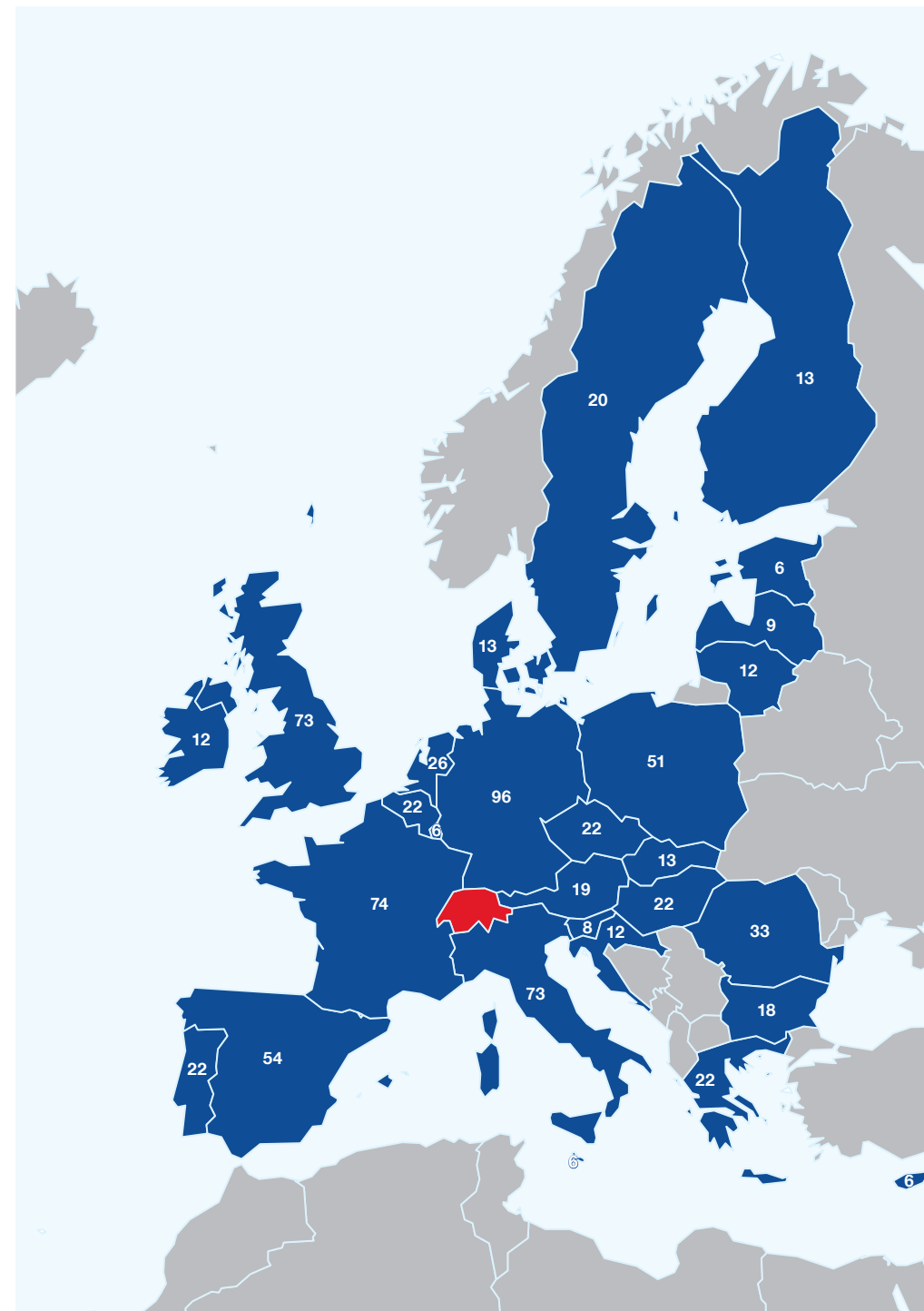
So let us check the facts and assess their impact on how Europeans can make their voices heard across the EU and have their views represented.

When it comes to the tools available for active citizenship at the EU level, we can distinguish between soft and hard instruments. Soft forms range from feedback information and consultation campaigns by the European Commission (ec.europa.eu/yourvoice) to assistance from the EU Ombudsman (ombudsman.europa.eu) and petitions to the European Parliament (europarl.europa.eu/aboutparliament/en/00533cec74/Petitions.html). Though they rarely hit the headlines, all of these tools are used frequently by both organisations and individuals. In 2012 the relevant committee in the European Parliament received more than 1500 petitions, the Ombudsman received more than 2500 complaints and offered direct advice to more than 15,000 EU citizens. 'Soft' participatory tools are mostly used to address issues linked to the individual features of European Union citizenship, such as freedom of movement, social security, recognition of diplomas and civil status documentary recognition (for further references see the resource section at the end of this publication).

But the outreach of transnational European Union citizenship does not end where individual or collective rights are insufficiently upheld and complaints are posted. Since the 1970s Europeans have also increasingly become an active part of the formal and informal agenda-setting and decision-making processes, both at the national and the transnational levels. These processes include all the three key mechanisms of modern representative democracy: elections, referendums and initiatives.

In respect of elections to the European Parliament (which acquired this name in 1962, after evolving from the "Common Assembly of the European Coal and Steel Community", which in turn became the "European Parliamentary Assembly" in 1958), the electorate was limited to voting within the national parliaments, which then appointed their representatives to the Strasbourg "House of Europe". This changed in 1979, when for the first time Europeans were able to choose their MEPs directly in elections held simultaneously across the European Community. However, even today the voting methods across Europe still vary in spite of the fact that all member states have used some form of proportional representation since 1999. From July 1, 2013, when Croatia becomes the 28th member of the EU, the Parliament will have 766 members with the following distribution of seats:

Members of the European Parliament – country by country



As with all the institutions and mechanisms relating to power sharing across Europe the composition, elections to and competencies of the European Parliament have been the subject of continuous struggles. In relation to fixing some of the most obvious dysfunctionalities in the current non-uniform voting system, since 2008 British MEP Andrew Duff and many others have tried to introduce some initial reforms which would strengthen the transnational dimension of the elections (by reserving 25 seats to pan-European party lists and introducing a preferential voting system with a first and second vote). Despite strenuous efforts to increase the representative features of the EP the chances for such a reform to be introduced in time for next year's general EP elections are very slim. Summarizing all twelve direct elections since 1979 we get the following table:

Twelve (direct) European Parliament Elections

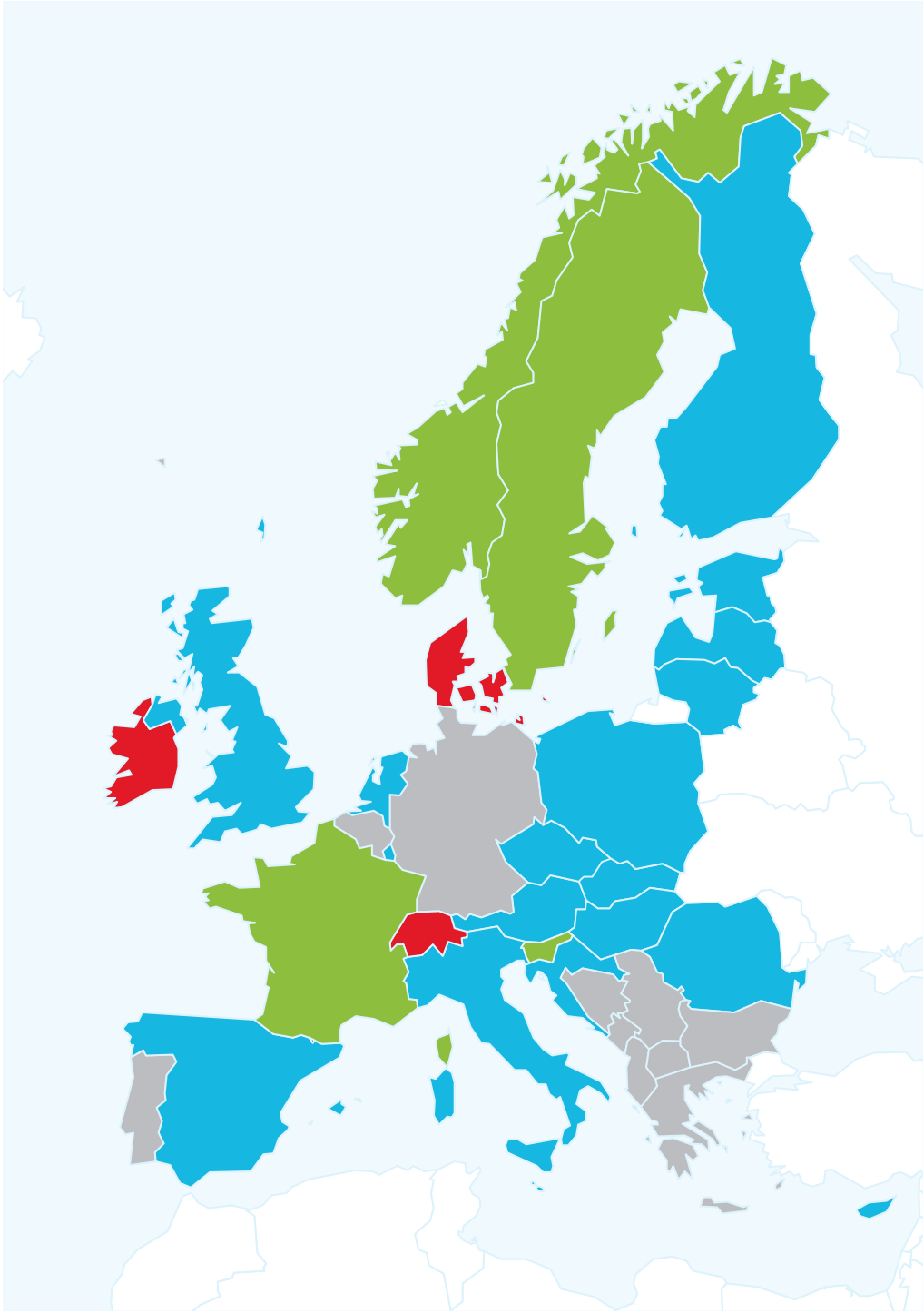
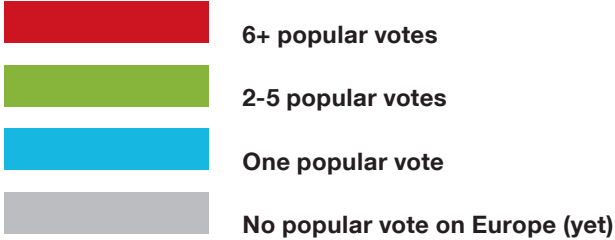
Year	Type	Member States	Electorate in millions of citizens	Seats	Turnout
1979	General	9	192	410	63%
1981	Bye-election (GR)	1	7	24	78%
1984	General	10	200	434	61%
1987	Bye-election (PT/ES)	2	35	84	72%
1989	General	12	245	518	59%
1994	General	12	269	567	57%
1995	Bye-election (SE)	1	6.5	22	42%
1999	General	15	288	626	50%
2004	General	25	342	732	46%
2007	Bye-election (BG/RO)	2	25	53	29%
2009	General	27	376	736	43%

The European Union has become the second largest polity in the world in terms of democratic elections (the first is India, with an electorate of almost 750 million citizens). In the last 35 years almost two billion Europeans have been called to seven general elections and five bye-elections at the European level. While the number of eligible citizens has increased from election to election, the participation rate has continuously diminished, down from 63% in 1979 to 43% in 2009. Besides Belgium and Luxembourg, where voting is compulsory and turnout is traditionally around 90 percent, the figures were highest in Malta, where almost 79 percent of the citizens cast their vote. By contrast, only 19.6 percent of Slovaks voted in the elections.

European Parliament elections offer interesting and parallel patterns with Swiss Federal Parliament elections, including the huge variety of voting systems across the polity, the representation of nine different parties (party groups) as well as in terms of the voter turnout, which fell from about 65% in the 1970s to 45-50% at the most recent elections. The number of eligible voters increased from 1.5 to almost 5 million citizens over the same period – not because of any enlargement of Switzerland (though one extra canton was created in 1979) but because of the (late) introduction of female suffrage (in 1971), the lowering of the voting age to 18 years (in 1991) and the growing number of naturalised immigrants to the country. In comparative terms, both the EU and the CH present the picture of a growing polity, where, however, popular representation through elections has been somewhat diminished by decreasing voter turnouts.

While the European Union can be described as a polity sui generis, it does share at least some features with other political entities composed of strong sub-polities (member states, states, provinces, autonomous regions). One key element for the legitimacy of multi-layered and multi-national political communities is a (directly) elected parliament – a necessary but not a sufficient condition for ensuring constitutional cohesion and governmental efficiency. Such polities typically have direct-democratic features, which contribute to making representative democracy more representative (the opposite effect to more indirect democracy!). In line with federal states like Germany, Austria, Italy, the United States (and Switzerland), the European Union acquired its initial dose of direct participatory politics in the 1970s. It all began with a French popular vote in 1972 about EC enlargement, which was then followed by more than fifty referendums, conducted in no less than 28 European countries, as our map shows.

Popular Votes on Europe in Europe



It was not just Charles de Gaulle more than half a century ago who suggested holding pan-European popular votes on European issues. Ever since then, the concept of bringing Europe back to the Europeans ('bring back' from Latin "referre", from which we get the word 'referendum') has resurfaced whenever the basic Treaties of the Community (and later the Constitution of the Union) were being discussed. During the 2002/2003 EU Convention almost 100 members of the Constitutional Assembly supported the proposal by the Convention Vice-President Giuliano Amato to hold referendums in all member states across Europe on the proposed Constitutional Treaty at the same time as the elections to the European Parliament, in June 2004. That was not enough, though, and the Constitutional Treaty was subjected instead to a very uncoordinated treatment – both in respect of its form (popular/parliament vote) and timing (let us recall the Dutch "nee" three days after the French "non"). In more recent times, a "Future of Europe" group led by German Foreign Minister Guido Westerwelle presented a new package of EU-wide reforms which included the proposal for transnational popular votes. But like any proposal for profound reform of the voting system for European elections such a modal change from a more member-state centred approach to a transnational European one is taking a lot of time, patience and detours. A glance at the referendum record since 1972, however, offers some very interesting insights indeed.

55 Popular Votes on Europe in Europe

	Country	Date of vote	Issue	Yes in %	Turnout in %
1	France	23.4.1972	Enlargement	68.3%	60.3%
2	Ireland	10.5.1972	Accession (EC)	83.1%	70.9%
3	Norway	26.9.1972	Accession (EC)	46.5%	79.2%
4	Denmark	2.10.1972	Accession (EC)	63.9%	90.4%
5	Switzerland	3.12.1972	Accession (EFTA)	72.5%	52%
6	Britain	5.6.1975	Remaining in EC	67.23%	64.03%
7	Greenland	23.2.1982	Remaining in EC	45.96%	74.91%
8	Denmark	27.2.1986	Common Market	56.24%	75.39%
9	Ireland	26.5.1987	Common Market	69.92%	44.09%
10	Italy	18.6.1989	Citizens' Initiative for EU Constitution	88.06%	85.4%
11	Denmark	2.6.1992	Maastricht Treaty	47.93%	83.1%

12	Ireland	18.6.1992	Maastricht Treaty	68.7%	57.31%
13	France	20.9.1992	Maastricht Treaty	51.05%	69.69%
14	Switzerland	6.12.1992	Accession (EEA)	49.7%	78%
15	Liechtenstein	12.12.1992	Accession (EEA)	55.81%	87%
16	Denmark	18.5.1993	Maastricht Treaty	56.77%	85.5%
17	Austria	12.6.1994	Accession (EU)	66.58%	82.35%
18	Finland	16.10.1994	Accession (EU)	56.88%	70.4%
19	Sweden	13.11.1994	Accession (EU)	52.74%	83.32%
20	Åland Islands	20.11.1994	Accession (EU)	73.64%	49.1%
21	Norway	28.11.1994	Accession (EU)	47.8%	89%
22	Liechtenstein	9.4.1995	Accession (EEA)	55.88%	82.05%
23	Switzerland	8.6.1997	Citizens' Initiative on accession procedures	25.9%	35%
24	Ireland	22.5.1998	Treaty of Amsterdam	61.74%	56.26%
25	Denmark	28.5.1998	Treaty of Amsterdam	55.1%	76.24%
	Switzerland	21.5.2000	Bilateral Treaties	67.2%	48%
27	Denmark	28.9.2000	Accession (Eurozone)	46.87%	87.2%
28	Switzerland	4.3.2001	Citizens' Initiative on accession procedures	23.2%	55%
29	Ireland	7.6.2001	Nice Treaty	46.13%	34.79%
30	Ireland	19.10.2002	Nice Treaty	62.89%	48.45%
31	Malta	8.3.2003	Accession (EU)	53.6%	91.0%
32	Slovenia	23.3.2003	Accession (EU)	89.6%	60.3%
33	Hungary	12.4.2003	Accession (EU)	83.8%	45.6%
34	Lithuania	11.5.2003	Accession (EU)	91.1%	63.4%
35	Slovakia	17.5.2003	Accession (EU)	92.5%	52.2%
36	Poland	6.6.2003	Accession (EU)	77.3%	58.9%
37	Czech Republic	14.6.2003	Accession (EU)	77.3%	55.2%
38	Estonia	14.9.2003	Accession (EU)	66.8%	64%
39	Sweden	14.9.2003	Accession (Eurozone)	42%	82.6%
40	Latvia	20.9.2003	Accession (EU)	67%	72.5%
41	Romania	19.10.2003	Accession Prep. (EU)	89.6%	55.2%
42	Spain	20.02.2005	Constitutional Treaty	76.3%	42.3%
43	France	29.05.2005	Constitutional Treaty	45.3%	69.4%
44	Netherlands	1.6.2005	Constitutional Treaty	38.4%	62%

45	Switzerland	5.6.2005	Popular referendum on accession (Schengen Area)	54.6%	56.7%
46	Luxembourg	10.7.2005	Constitutional Treaty	56.6%	90.5%
47	Switzerland	25.9.2005	Popular referendum on Free Movement of Citizens (EU15)	56%	54.5%
48	Switzerland	26.11.2006	Financial Aid to EU	53.4%	45%
49	Ireland	12.6.2008	Lisbon Treaty	46.6%	45%
50	Switzerland	8.2.2009	Popular referendum on Free Movement of Citizens (EU27)	59.6%	51.5%
51	Switzerland	17.5.2009	Introduction of Schengen Passports	50.1%	39%
52	Ireland	2.10.2009	Lisbon Treaty	67.1%	58%
53	Slovenia	6.6.2010	Border Agreement opening the way for Croatian EU membership	51.4%	43%
54	Croatia	22.1.2012	Accession (EU28)	66%	44%
55	Ireland	31.5.2012	Accession (Fiscal Treaty)	60.3%	51%

Two themes have dominated the first 55 referendums on Europe in Europe: accession and treaty change. While the first (votes to approve or reject accession) are single event cases, the latter are repeat events in a growing number of member states. While Ireland and Denmark have the most robust record of fine-tuning fundamental amendments to their relationships with the EU, countries like France, Slovenia and Austria are adopting a more political approach to the issue. In these countries the president or a majority in parliament can refer an EU issue to the people. In sum, the European-European referendum experience presents some quite interesting facts. Of the 55 cases between 1973 and 2012,

- popular majorities supported a pro-integration option in 43 cases, while more negative or skeptical views prevailed in only 12 votes;
- a clear majority have been held in EU member states (or in states which became members by referendum), while a smaller number of related popular votes were held in EFTA and EEA countries like Switzerland, Norway and Iceland;

— only two votes were about leaving the European Community: the United Kingdom vote in 1975 (with 67% choosing to remain in the EU) and the 1982 vote in Greenland, when 54% chose to leave the Union;

— voter turnout at these referendums has maintained a consistent average over the period of more than 62%.

Switzerland, a non-EU member, has had its fair share of EU-related popular votes: since 1973 the Swiss have had ten opportunities to vote on their relationship with Europe. While the tiny majority against EEA membership in 1992 received most attention, the Swiss have resoundingly approved other integration steps based on bilateral treaties, including accession to the Schengen agreement, freedom of movement, and payments to the EU cohesion fund. Several attempts by non-governmental groups to change Swiss integration policy by means of citizens' initiatives – in either more pro- or more anti-European directions – were however rejected by the voters. To qualify such a proposal (requiring a change to the federal constitution) organising committees need to gather at least 100,000 signatures (on paper) within 18 months. As in other jurisdictions, in Switzerland citizens' initiatives are most directly successful at the subnational levels (cantonal and local), while only 19 of the 183 national initiatives launched since 1848 which made it to the popular vote were approved. Having said that, it becomes obvious that the main function of the citizens' Initiative is its agenda-setting one – and this leads us naturally back to the European Union and its almost 500 million citizens.

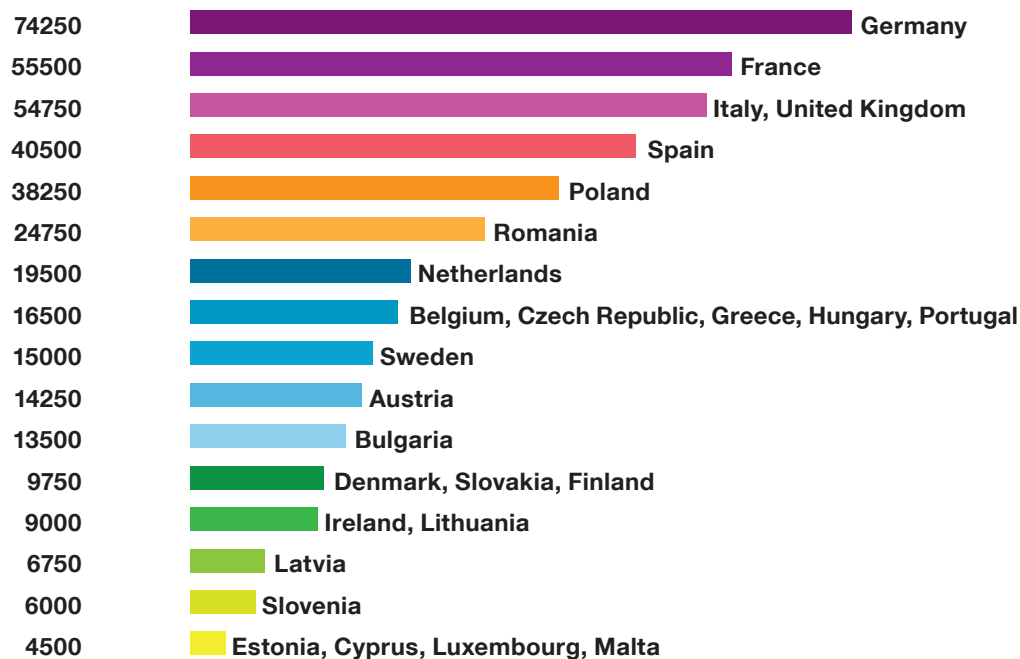
It was a very proud President of the European Commission who back in spring 2005 gave a speech in The Hague and announced that: "The Constitutional Treaty provides new ways for citizens to actively participate in the decision-making process by being able to propose initiatives if backed up by one million signatures". José Manuel Barroso concluded: "To put it simply: we will have more democracy". While the Constitutional Treaty did not survive the ratification process, the Barroso-quoted key concept for "more democracy" did survive, in the form of the European Citizens' Initiative:

"Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties."

– The Consolidated Version of the Treaty on European Union ("Lisbon Treaty") Title II, Art.11.4

With the introduction of the European Citizens' Initiative (ECI) right the European Union has (at least partly) implemented a modern understanding of representative democracy – as initially agreed by the EU Convention – to place indirect and direct democracy on an equal footing. In the case of the ECI this translates into a fundamental right of one million Europeans from several member states to submit a proposal for a legal act to the Commission – in the same way as can be done by a majority in the European Parliament (TFEU, Art. 225) and by the Council (TFEU, Art. 241).

As in the case of other statutory mechanisms of active citizenship (elections and referendums), it was however far from easy to agree on a uniform procedure for the ECI – a procedure, which, in the words of the responsible Commission Vice President Maroš Šefčovič, needed to be “as easy as possible to use in order to foster a European public space, widen the sphere of public debate across Europe and bring the EU closer to the concerns of the citizens” (Brussels, February 22, 2010). Based on a broad consultative process and a very careful legislative process, a procedural law for the European Citizens' Initiative was adopted in February 2011 (Regulation 211/2011) and the very first transnational direct-democratic process was launched – after a rather cumbersome implementation process in the member states – in spring 2012.



The New European Citizen's Map

In addition to the one million signature requirement for the whole EU, a minimum number (see colours and numbers in the table and on the map) of statements of support are required from at least seven Member States.



In order to qualify an ECI for formal legislative consideration the Lisbon Treaty requires that it be supported by “Not less than one million citizens who are nationals of a significant number of Member States”. In the ECI Law this “significant number of Member States” was set at seven (as a minimum). ECI organisers have to gather the number of “statements of support” indicated on the map on the preceding page.

What makes the ECI as a participative procedure so unique is its combination of modern democratic features : the European Citizens’ Initiative is namely direct, transnational and digital. This means, firstly, that it offers European citizens a direct channel into EU lawmaking; secondly, that for the first time in world history such a direct channel is now established at the transnational level; and thirdly, that this new direct and transnational channel does not only use analogue methods of signature gathering – as in all other known cases of formal citizens’ initiative rights across the globe – but allows for e-collection of signatures online. And here we stand, almost one year after the launch of the European Citizens’ Initiative, with no less than twenty-four filed initiatives:

The first 24 European Citizen’s Initiatives

Initiative #	Title	Date of (non-) registration	Website	Info
1	Fraternité 2020 - Mobility. Progress. Europe.	9.5.2012	www.F2020.eu	60,000 online signatures by mid-January 2013
2	Single Communication Tariff Act (Version 1)	10.5.2012	www.twitter.com/onesingle-tariff	Withdrawn and replaced by ECI #16 in December 2012
3	Water and sanitation are a human right! Water is a public good, not a commodity!	10.5.2012	www.right2water.eu	70,000 online and paper signatures by mid-January 2013

4	EU Directive on Dairy Cow Welfare	10.5.2012	www.happy-cows.eu	Withdrawn in July 2012
5	One of us	11.5.2012	www.oneofus.eu	Online Collection System opened in early 2013
6	Let me vote	11.5.2012	www.letme-vote.eu	Online Collection System to open in February 2013
NN	My voice against nuclear power	30.5.2012	www.my-voice.eu	New attempt to register an ECI at the beginning of 2013
NN	Recommend singing the European Anthem in Esperanto	30.5.2012	www.europo.eu	
NN	EU citizenship after secession	30.5.2012	NN	ECI idea by supporter of Catalan independence, who wanted to remain incognito after the proposal was refused by the European Commission
7	Stop vivisection	22.6.2012	www.stopvivisection.eu	Online Collection System opened in early 2013
8	High Quality European Education for All	16.7.2012	www.Euro-EdTrust.eu	Online Collection System opened in early 2013
9	Initiative responsible waste management	16.7.2012	www.ice.id.st	Paper gathering only by the end of 2012

NN	Abolition of bullfighting	19.7.2012	www.abolicion-tauromaquia.com	Facebook-ECI which was turned down by the Commission. Was inspired by a successful referendum in Catalonia
10	Suspension of the EU Climate & Energy Package.	8.8.2012	www.klimas-keptik.cz (no proper ECI website yet)	No gathering activities
11	Central public online collection platform for the European Citizens' Initiative	27.8.2012	www.openpetition.eu	Test-ECI for checking OCS
NN	Creation of a European Public Bank; focus on social, ecological and solidarity issues	6.9.2012	NN	Launched by communist party of France, but refused by Commission
NN	Unconditional Basic Income	6.9.2012	www.binews.org	
NN	"A Europe of Solidarity"	6.9.2012	NN	An ECI inspired by the crisis in Greece
12	End Ecocide in Europe: A Citizens' Initiative to give the Earth Rights	1.10.2012	www.endecocide.eu	Online gathering since mid-January
13	European Initiative for Media Pluralism	5.10.2012	www.mediainitiative.eu	Online gathering since mid-January

14	30km/h – making the streets liveable!"	13.11.2012	www.30kmh.eu	Online gathering from Day 1 after registration – 10,000 signatures by mid-January 2013
15	Termination of the contract of Free Movement of Persons with Switzerland by the EU Council and the EU Member States	19.11.2012	www.swissout.eu	No gathering activities
16	Single Communication Tariff Act (Version 2)	3.12.2012	www.onesingletariff.com	Online gathering since mid-January
17	Unconditional Basic Income (Version2)	14.1.2013	www.basicincomeinitiative.eu	

Source: <http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing>
Date: January 15, 2013

Of the 24 filed initiatives, 17 have been registered by the EU Commission. That seven initiatives did not make it into the phase of signature gathering has to do with the fact that initiatives potentially require the Commission to take legislative action. This means that European Citizens' Initiatives can only address issues which are within the legal competence of the Commission. As this is not the case, for example, on issues relating to the Euratom Treaty, which is handled exclusively by the Council and the Member States, a first attempt at an anti-nuclear ECI was rejected last summer. However, if ECI organisers are smart enough and learn to appreciate the agenda-setting functionality of the new process, they will find ways to adapt their proposals accordingly and should be able to fit almost any EU issue into an initiative proposal. That is what the organisers of the "My voice against nuclear power" ECI have done and are now about to file and probably register their "new" European Citizens' Initiative.

While the ECI is still in its infancy and can therefore be seen for the moment as the first baby steps towards transnational democracy, a first litmus test of the process offers a positive assessment: the ECI is of interest and open to all political directions. The first 23 ECIs include everything from 'right-wing' moral issues ("One of Us"), conservative anti-environmentalist approaches ("Suspension of the Climate Package") and nationalistic moves ("Swissout"), to centrist technocratic proposals ("Single Communications Tariff Act"), pro-integration programs ("Fraternité2020") and business interests ("Happy Cow"). But among the first initiatives we also find trade-union driven campaigns ("Right to Water"), proposals by animal rights organizations ("Stop Vivisection") and finally leftist convictions ("Unconditional Basic Income"). In other words: the early ECI practice offers Europe a more finely-tuned mirror on what the European Union looks like and how well it is working.

When it comes to "active citizenship" and "representation" in the European Union, there is certainly no question of a "mission accomplished": the job is far from completed. But the question of what the next steps towards transnational democracy could and should look like is at the centre of many discussions and debates across Europe these days. As with the electoral system for the European Parliament or the moves towards pan-European referendums, the European Citizens' Initiative is a tool-in-the-making. Wisely, the ECI Law foresees a legal review and update by 2015, which is now less than two years away. This review will offer Europe yet another opportunity to make its emerging transnational democracy a little more democratic.



People Power. Across Europe the number of popular votes on substantive issues has grown considerably during the last two decades. In Switzerland citizens can co-decide on important issues at the federal level 3-4 times per year.
Photo: FDFA, Presence Switzerland

Conclusions : Towards Transnational Democracy

Twenty years ago, the “European Union Citizenship” was formally established by the “Maastricht Treaty”. Ever since then there have been both advances and setbacks in making what we could call the “EU Citizenship Toolbox” better known and more accessible, user-friendly and efficient. There is no linear progress in this development as, right up into our own time, the principles of modern representative democracy are met with a lot of ignorance and ambivalence: ignorance by those who believe that a nation state based purely indirect democracy was and is the end of democratization; and ambivalence by those who believe that any additional step towards a more finely-tuned power-sharing structure may bring a reduction in their own power. For these reasons, “European Union Citizenship”, while honoured and celebrated in many speeches and official declarations, is still a very, very weak reality in practice – and a practice which is under continuous pressure, with the risk of it becoming irrelevant.

The “European Year of the Citizens” (launched at Dublin Castle on January 10) therefore presents a good opportunity to analyze not merely the obvious and implicit limitations on “active citizenship” and “representation” at the EU level, but also their future options. Here, Swiss history and experience is of significant relevance when it comes to developing a true and modern representative democracy in a multi-layered polity, with a basis in what the German philosopher Jürgen Habermas would call a “constitutional patriotism”. Such a “patriotism” does not have its source in ethnic commonality but in the continuous participation by its citizens in public affairs, based on political rights and – in practice – the knowledge and experience to use the “Citizenship Toolbox”.

Like Switzerland, the European Union has been successful in creating such a “Citizens Toolbox”, establishing both soft and hard forms of participation, combined with the two other key pillars of a modern representative democracy, the rule of law and delegation of powers to elected bodies. However, the EU is a much more complex polity than Switzerland and has had much less time to democratize its democracy. In addition, political institutions can never be simply transferred or exported; true people power needs to be reinvented at each level in its very own suitable form.

So in spite of this lack of recipes for success of democratic reform, the steps already made in the last twenty years have opened the door to many further steps, all of which – regardless of the exact paths and choices – will have to include some major investment in a participative infrastructure. Clearly it not enough merely to formally share power more equally; there must also be more accessible ways for Europe’s citizens to use those powers.

For this reason the efforts to inform, support and assist citizens in their duties and responsibilities vis-a-vis the political community must be stepped up – as was the case with the European Parliament and its resources and infrastructure since the introduction of direct elections to it 35 years ago. With the “Lisbon Treaty”, the European Union has become a fully modern representative democracy, combining the principles of the rule of law, delegation of powers and participation at a new political level. In order to make this new level truly democratic also in practice we will need to overcome both our ignorance and ambivalence towards genuine “active citizenship” and “representation” and pool our resources towards a transnational democracy, which in a economically globalized world is both timely and necessary.

Fortunately, we do not have to start from scratch. On the contrary: as this publication has documented, billions of active citizenship activities have already been conducted under the “European Union Citizenship” umbrella. In addition to a host of low-key soft tools (consultations, complaints procedures, petitions etc.) the participatory hardware has been developed step-by-step (EP elections, popular votes on Europe in Europe, European Citizens’ Initiative). Altogether they are producing an enormous amount of day-to-day practice, from which we can all learn – if we really want to. A final reflection on this: just a few years ago most people and authorities across Europe had no idea what a “citizens’ initiative” meant. Now, because of the ECI, all EU member states have organised their national authorities to both certify e-collection systems and to verify the “statements of support”. As an early consequence of that, Finland has introduced its own national “citizens’ initiative” process, which features the possibility to gather signatures online (<https://www.kansalaisaloite.fi/fi/tietoa/briefly-in-english>). In other words: a few lines in the most recent European Treaty have triggered a wide-ranging creation of a participative democratic infrastructure – hopefully for the benefit of all of us and for the progress towards transnational democracy!



Mostly Yes. Out of 55 popular referendums on Europe since 1972, 43 have produced pro-integration majorities, while in 12 cases people opted for more EU-sceptical solutions.
Photo: Bruno Kaufmann

Active Citizenship and Representation Resources

European Union

The various institutions of the EU provide many useful active citizenship resources in all the official languages. Special attention has been given to the new European Citizens' Initiative:

Official Registry for the ECI of the European Commission (with up-to-date links to all open initiatives, the relevant national authorities, the official user manual and also other avenues of participatory democracy in the EU)

www.ec.europa.eu/citizens-initiative

The European Parliament offers its own guide to the ECI

www.europarl.europa.eu/news/en/headlines/content/20120322FCS41704/html/A-short-guide-to-the-European-Citizens%27-Initiative

as does the European Economic and Social Committee

www.eesc.europa.eu/?i=portal.en.civil-society-european-citizens-initiative

There is a growing literature around the history, development and practice of the European Citizens' Initiative including the following publications by the author of this briefing:

European Citizens' Initiative Pocket Guide (2013)

A Guideline to the new direct democratic tool at the European level. GEF, Brussels.

www.europeancitizensinitiative.eu

Transnational "Babystep" (2012)

The European Citizens' Initiative in "Citizens' Initiatives in Europe", edited by Maja Setälä and Theo Schiller. Palgrave, Macmillan.

Transnational Citizens' Initiative (2012)

How modern direct democracy can make the European Union a better place for minorities in "Direct Democracy and Minorities", edited by Wilfried Marxer. Springer VS.

The Next Big Thing (2011)

Making Europe ready for the Citizens' Initiative. Edited by Bruno Kaufmann and Johannes Pichler. Wissenschaftsverlag, Berlin.

Global Citizens in Charge (2010)

How Direct Democracy Makes Representative Democracy More Representative. Edited by Jung-Ok Lee and Bruno Kaufmann. KDF, Seoul.

The European Citizens' Initiatives (2010)

Into new democratic territory. Edited by Bruno Kaufmann and Johannes Pichler. Wissenschaftsverlag, Berlin.

For the European Parliament Elections the EP runs a website

www.europarl.europa.eu/aboutparliament/en/0046fcc11/Elections.html

with links to earlier votes, national authorities and political parties. In

relation to countrywide popular votes (Referendums on Europe in

Europe), detailed data are available at the following websites

www.dd-navigator.org (Googlemap-based database to all legal provisions of direct democracy across the world)

www.c2d.ch (go to database and check out the various countries) and

www.idea.int/elections/dd/search.cfm

Switzerland

For the procedures and practices of modern representative democracy in Switzerland there are a lot of useful resources online, starting with an overview (in English and many other world languages) at

www.swissworld.org/en/politics/peoples_rights/indirect_and_direct_democracy

The Federal Chancellery runs an official registry with all relevant updates to elections, initiatives and referendums in the four official languages of Switzerland (German, French, Italian and Romansh) and some information also in English:

www.bk.admin.ch/themen/pore/index.html?lang=en

In terms of printed literature, a good place to start your reading on Swiss active citizenship and representation is the following book:

Guidebook to Direct Democracy in Switzerland and Beyond. By Bruno Kaufmann, Rolf Büchi and Nadja Braun. English Editor: Paul Carline. 250 pages. IRI, Marburg 2010.

www.iri-europe.org/publications/guidebooks/2010-edition-english

This publication is also available in German, Italian, French, Spanish, Chinese, Korean, Vietnamese, Finnish and Hungarian. More info at

www.iri-europe.org

or

www.schweizerdemokratiestiftung.ch

About the Author



Photo : Aaron Salcido

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More transnational online-ressources

European Year of Citizens

European Commission : www.europa.eu/citizens-2013/
Committee of Regions : www.cor.europa.eu/en/news/forums/Pages/ey2013-toolkit.aspx
Civil Society Alliance : www.ey2013-alliance.eu
European Union Citizenship : www.ec.europa.eu/justice/citizen/

Participative and Direct Democracy

Global Forum on Modern Direct Democracy : www.2012globalforum.com
Democracy International : www.democracy-international.org
European Citizens Action Service : www.ecas-citizens.eu
Initiative and Referendum Institute : www.iri-europe.org

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Referendum
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"Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship."

– Art. 17 (1), Treaty of the European Union

"Europe will be born on the day on which the different peoples fundamentally decide to join. It will not suffice for members of parliaments to vote for ratification. It will require popular referendums, preferably held on the same day in all the countries concerned."

– Charles de Gaulle, President of France

"The Constitutional Treaty provides new ways for citizens to actively participate in the decision-making process by being able to propose initiatives if backed up by one million signatures. To put it simply: we will have more democracy".

– José Manuel Barroso, President of the European Commission



Schweizerische Eidgenossenschaft
Confédération suisse
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Federal Department of Foreign Affairs FDFA
General Secretariat GS-FDFA
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